

**From:** Stephen Bishop  
**To:** Microsoft ATR  
**Date:** 1/23/02 12:13pm  
**Subject:** Microsoft Settlement

To whom it may concern:

My name is Stephen Bishop, and I am a senior in Computer Engineering at the University of Oklahoma. I am writing to express my dissatisfaction with the proposed Microsoft Settlement. I hope to point out the problems I see in this proposed settlement, and offer my own thoughts as to a possible satisfactory resolution.

#### Problem 1) Availability of alternative OS

I am currently in the market for a new laptop computer, based on the x86 architecture. I use the GNU/Linux operating system almost exclusively. Also, because of my concerns about Windows XP's Product Activation feature, I refuse to use it. However, there are no vendors in the US that offer laptop to non-corporate customers without a Windows OS. And it only 1 vendor (IBM) will allow individual sales of anything other than Windows XP. So essentially, I am being forced to pay for a Microsoft product I will never use.

Since the proposed remedy must make requirements upon Microsoft, not independent OEMs, I can see only one satisfactory solution: Microsoft must be willing (and provide a convenient means) to accept returns-for-refund of unused software, particularly when the user will not accept the license terms or refuses to 'activate' their product. Currently, attempts to return unused software are either redirected to the OEM, or threatened with software license audits.

#### Problem 2) Corporate Licensing

Microsoft Licensing version 6.0 has caused a great deal of concern among corporate clients ([http://www.cio.com/archive/011502/meter\\_content.html](http://www.cio.com/archive/011502/meter_content.html)). A satisfactory remedy must require Microsoft to offer a variety of license choices to corporate customers, including ones that allow the customer to set the upgrade pace. Remedies that allow Microsoft to require that customers always adopt the newest software version are completely unacceptable.

#### Possible Solution:

I am not a lawyer, simply an engineer, so this may not be feasible. Microsoft was granted a copyright for their products "to promote the Progress of Science and useful Arts." It could be argued that by using their copyrights in an illegal manner (maintenance and extension of a monopoly), that Microsoft's patents are no longer enforceable. This punishment could be applied only to those software products which Microsoft had used in an illegal fashion. Following this approach would level the playing field for competitors, and require no long-term oversight by the government. Additional steps could be proposed (such as the open release of future Windows APIs), but I will reserve comment on them. I am certain that case

law exists to support the revocation of copyrights for their use in illegal acts, so it might not be necessary to argue the case on constitutional grounds.

I hope you will consider my comments, and revise the proposed remedy to address the issues I have raised. I will be available at this email address, and would be very willing to further discuss the proposed settlement.

Regards,  
--Stephen Bishop